

OCT. 7. 2005 4:31PM

513 241 6234

NO. 1817 P. 1

## WOOD, HERRON & EVANS, L.L.P.

BRUCE TITTEL  
DONALD F. FREI  
DAVID S. STALLARD  
J. ROBERT CHAMBERS  
GREGORY J. LUNN  
KURT L. GROSSMAN  
CLEMENT H. LUKEN, JR.  
THOMAS J. BURGER  
GREGORY F. AHRENS  
WAYNE L. JACOBS  
KURT A. SUMME  
KEVIN G. ROONEY  
KEITH R. HAUPP  
THEODORE R. REMAKLUS  
THOMAS W. HUMPHREY  
SCOTT A. STINBRUNNER  
DAVID H. BRINKMAN  
BEVERLY A. LYMAN, Ph.D.  
KRISTI L. DAVIDSON

2700 CAREW TOWER  
441 VINE STREET  
CINCINNATI, OHIO 45202-2917  
TELEPHONE: 513-241-2324  
FACSIMILE: 513-241-6234  
PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION  
EDMUND P. WOOD 1923-1968  
TRUMAN A. HERRON 1936-1976  
EDWARD B. EVANS 1936-1971

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DOUGLAS A. SCHOLER  
BRETT A. SCHATZ  
DAVID W. DORTON  
SARAH O. GRABER  
STEVEN W. BENINTENDI, Ph.D.  
RANDALL S. JACKSON, JR.

OF COUNSEL  
JOHN D. POFFENBERGER  
DAVID J. JOSEPHIC  
THOMAS W. FLYNN  
J. DWIGHT POFFENBERGER, JR.  
BRADLEY D. BECK

### FACSIMILE COVER SHEET

TO: Commissioner for Patents  
Technology Center 3700

FROM: Steven W. Benintendi, Esq.

DATE: October 7, 2005

RE: Serial Number 10/764,214  
Filed: January 23, 2004  
Applicant: Edward A. Zumbiel et al.  
Title: **OVER-WRAPPED CARTON  
AND ASSOCIATED  
PRODUCTION METHOD**  
Our Ref. RWZ-77

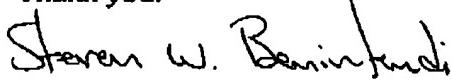
FAX NO.: 1-571-273-8300

TOTAL PAGES: 19 (including cover sheet)

MESSAGE/COMMENTS: OFFICIAL

Attached please find a Transmittal and Response. Entry of the Response is requested. The Office is authorized to charge \$25.00 for the additional independent claim to our Deposit Account No. 23-3000.

Thank you.



Steven W. Benintendi, Esq.  
Reg. No. 56,297

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NO. 1817 P. 2

OCT 07 2005

I hereby certify that this correspondence and the enclosure for Application No. 10/764,214 are being facsimile transmitted to Technology Center 3700, via Central Fax Number (571) 273-8300, on October 7, 2005.

Steven W. Benintendi  
Steven W. Benintendi  
October 7, 2005  
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/764,214  
Filed: January 23, 2004  
Group Art Unit: 3721  
Examiner: Paul R. Durand  
Applicant: Edward A. Zumbiel et al.  
Title: OVER-WRAPPED CARTON AND ASSOCIATED PRODUCTION  
METHOD  
Atty Docket: RWZ-77  
Confirmation No.: 9137

Cincinnati, Ohio 45202

October 7, 2005

Mail Stop FEE/NON-FEE AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

1. Transmitted herewith is a Response to the Official Action mailed July 28, 2005.
2.  Small Entity status of this application under 37 C.F.R. 1.9 and 1.27 has been previously established.  
 Enclosed is a verified statement to establish Small Entity status.  
 Other than a Small Entity.
3. The fee has been calculated as shown below:

-1-

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		LARGE ENTITY	
Claims Remaining After Amendment		Highest No. Previously Paid For		Extra	Present Rate	Fee	Present Rate	Fee
TOTAL	21	MINUS	20		x \$25	\$25.00	x \$50	\$0
INDEP.	3	MINUS	3		x \$100	\$	x \$200	\$0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+\$180	\$0	+\$360	\$0	
TOTALS				TOTAL FEE	\$25.00	TOTAL FEE	\$0	

- If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid for" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

— No additional fee for claims is required.

4. Attached is a check in the sum of \$\_\_\_\_\_.

Please charge my Deposit Account No. 23-3000 in the amount of \$25.00.  
A duplicate copy of this sheet is attached.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

Complete (a) or (b) as applicable.

(a) \_\_\_\_\_ Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
Extension (months)		
one month	\$ 120.00	\$ 60.00
two months	\$ 450.00	\$ 225.00
three months	\$1,020.00	\$ 510.00
four months	\$1,590.00	\$ 795.00
five months	\$2,160.00	\$1,080.00

Extension fee due with this request \$0.00.

If an additional extension of time is required, please consider this a petition therefor.

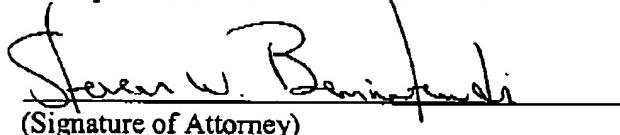
(Check and complete the next item, if applicable)

An extension for \_\_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_\_\_.

### OR

- (b)  Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.
- If any additional fee for claims or extension of time is required, charge Account No. 23-3000. A duplicate of this transmittal is attached.

WOOD, HERRON & EVANS, L.L.P.  
2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202-2917  
(513) 241-2324



(Signature of Attorney)

Steven W. Benintendi  
Reg. No. 56,297

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence for Application No. 10/764,214 is being facsimile transmitted to Technology Center 3700, via Central Fax Number (571) 273-8300, on October 7, 2005.

Steven W. Benintendi

Steven W. Benintendi, Ph.D.

October 7, 2005

Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 10/764,214  
Filed: January 23, 2004  
Group Art Unit: 3721  
Examiner: Paul R. Durand  
Applicant: Edward A. Zumbiel et al.  
Title: OVER-WRAPPED CARTON AND ASSOCIATED PRODUCTION  
METHOD  
Attorney Docket: RWZ-77  
Confirmation No.: 9137

Cincinnati, Ohio 45202

October 7, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Sir:

**RESPONSE**

This paper is in response to the Office Action mailed July 28, 2005.

Consideration of this response is respectfully solicited at this time.

**Amendments to the claims begin on page 2 of this paper.**

**Remarks begin on page 8 of this paper.**

10/11/2005 RFEKADU1 00000039 233000 10764214  
01 FC:2202 25.00 DA